

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA**

THE HOUSE OF THE LORD OUR GOD, and)	
CARLTON TAYLOR,)	
)	
Plaintiffs,)	
)	
v.)	CAUSE NO. 2:06-CV-275 TS
)	
THE CITY OF GARY, INDIANA,)	
)	
Defendant.)	

OPINION AND ORDER

On August 8, 2006, Carlton Taylor, a *pro se* plaintiff and the minister of The House of the Lord Our God, filed a civil rights complaint against the City of Gary because of its stated intention to destroy part (or all) of the City Methodist Church located on Washington Street in Gary. Along with the Complaint, Mr. Taylor submitted an in forma pauperis petition. On August 22, 2006, the Court denied Mr. Taylor's petition and dismissed the case pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

On September 22, 2006, Mr. Taylor appealed the case to the Court of Appeals for the Seventh Circuit and filed an application with this Court to proceed on appeal in forma pauperis. The Court denied that application on September 25, 2006. Mr. Taylor then petitioned the Court of Appeals to grant him in forma pauperis status, but the Court declined on December 5, 2006. Thus, on December 26, 2006, Mr. Taylor paid the filing fee, and the Court of Appeals set out a briefing schedule for him.

On January 9, 2007, Mr. Taylor filed in this Court a motion for a temporary restraining order against the City of Gary to stop it from demolishing the church building that was at the center of Mr. Taylor's suit. However, the Court has no jurisdiction to address Mr. Taylor's motion. Once the notice of appeal was filed, the Court's jurisdiction over this case ceased:

It is well settled that filing a notice of appeal from a district court's judgment vests jurisdiction over the cause appealed in the court of appeals. Thereafter, the trial court has no power to modify its judgment or take other action affecting the cause without permission of the appellate tribunal, except insofar as jurisdiction is expressly reserved in the district court by statute or the Federal Rules of Civil Procedure, 28 U.S.C.A., to act in aid of the appeal.

In re Federal Facilities Realty Trust, 227 F.2d 651, 653–654 (7th Cir. 1955). Since the Court has not reserved jurisdiction for this case in any manner, all matters must be referred to the Court of Appeals.

Accordingly, the Court denies the Plaintiff's motions for a temporary restraining order (DE 14). The Plaintiff is advised to take up all matters in this case with the Court of Appeals for the Seventh Circuit.

SO ORDERED on January 11, 2007.

S/ Theresa L. Springmann
THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT
FORT WAYNE DIVISION